



John E. Benedict  
Senior Attorney

Federal Regulatory Affairs-LDD  
401 9th Street, NW  
Suite 400  
Washington, DC 20004  
Voice 202 585 1910  
Fax 202 585 1897  
jeb.e.benedict@mail.sprint.com

October 3, 2002

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Room TWB-204  
Washington, DC 20554

Re: Implementation of the Pay Telephone Reclassification and Compensation  
Provisions of the Telecommunications Act of 1996  
CC Docket No. 96-128

Dear Ms. Dortch:

On behalf of Sprint Corporation, this letter responds to allegations of the American Public Communications Council ("APCC"), outlined in an ex parte letter dated September 23, 2002, concerning interexchange carriers and the purported "double recovery" of the costs of payphone compensation imposed for the Interim and Intermediate Periods.

Throughout this proceeding, APCC has lobbied relentlessly for PSPs to retain the benefit of excessive payphone compensation rates found unlawful by the Court of Appeals. APCC's latest, September 23 letter did not appear on ECFS until Tuesday evening, after Sprint, AT&T, and WorldCom had submitted their October 1, 2002 joint ex parte response to APCC's September 5 and 11, 2002 letters, which raised fundamentally the same tired arguments.

Sprint has many times replied to the so-called "equitable" arguments of APCC in numerous pleadings and ex partes throughout the many years this docket has been open.<sup>1</sup> Sprint will not burden the Commission with a further point by point rebuttal of the consistently misleading allegations in APCC's latest letter. It is sufficient to say that, by APCC's own admission, the basic allegations in its letter are *old information* -- arguments that have been in the record fully *five years*, well before the Commission decided in 1999 to require PSPs to refund overpayments. Indeed, APCC's September 23 submission merely echoes arguments made – and rebutted – in 1997.<sup>2</sup>

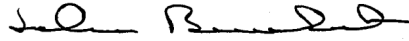
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<sup>1</sup> Among the most recent are the joint IXC letters of October 1 and July 2, 2002; Sprint's ex parte letters of September 5, 10, 18, and 27, 2002; and Sprint's ex parte meeting notices of June 25, July 1 and 2, and August 1, 2002. But see also, e.g., Opposition of Sprint to Petition for Reconsideration (July 7, 1999).

<sup>2</sup> See, e.g., Comments of the American Public Communications Council (Aug. 26, 1997); Reply Comments of Sprint Corporation on Remand Issues (Sept. 9, 1997).

APCC is merely repeating old arguments and making blatantly false allegations that have already been rejected by the Commission. By asking the Commission to reverse course fundamentally on the basis of information already in the record before it at the time of the *Third Report and Order*,<sup>3</sup> APCC is simply inviting reversible error.

Sincerely,



John E. Benedict

cc: Linda Kinney  
Matthew Brill  
Jeffrey Carlisle  
Jordan Goldstein  
Daniel Gonzalez  
Christopher Libertelli  
Joel Marcus  
Lynne Milne  
Tamara Preiss  
Lenworth Smith  
Jon Stover

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<sup>3</sup> 14 FCC Rcd 2545 (1999) (subsequent history omitted).